

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2006-1-E - ORDER NO. 2006-307
MAY 16, 2006

IN RE: Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc. – Annual Review of Base Rates for Fuel Costs.) ORDER APPOINTING) HEARING OFFICER) AND HOLDING) MOTION TO COMPEL) IN ABEYANCE
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This matter comes before the Public Service Commission of South Carolina (Commission) on Nucor Steel-South Carolina's (Nucor) Motion to Compel filed in the present docket and on the Commission's Motion to appoint Mr. Charles L.A. Terreni, Esquire, Chief Clerk/Administrator, to serve as a hearing officer in this matter. The present proceeding was established by the Commission for the annual review of base rate for fuel costs of Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc. (PEC).

On April 19, 2006, Nucor filed a Motion to Compel PEC to Respond to Nucor Discovery Request No. NUC 1-30. Nucor requests that the Commission issue an order compelling PEC to respond to Nucor's Data Request No. NUC 1-30. This request will be held in abeyance at this time.

As to the Commission's Motion for appointment of a hearing officer, this appointment is in order that a hearing officer may dispose of procedural and evidentiary matters pursuant to S.C. Code Ann. Section 58-3-40 (Supp. 2005).

Section 58-3-40(C)(1) states that upon the request of any party or any commissioner, the commission may employ a hearing officer who may hear and determine procedural motions or other matters not determinative of the merits of the proceedings. Under (C)(2), the hearing officer has full authority, subject to being overruled by the commission, to rule on questions concerning the conduct of the case and other matters. Under (C)(3), the officer must be an attorney qualified to practice in all courts of this State with a minimum of eight years' practice experience.

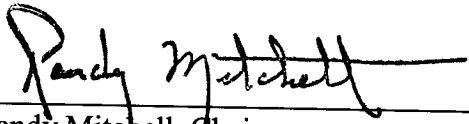
We find that Mr. Charles L. A. Terreni meets this qualification, and we therefore grant the Motion appointing him as hearing officer in this case. As hearing officer in this proceeding, we direct Mr. Terreni to rule on appropriate matters in the case up to the time of the hearing.

IT IS THEREFORE ORDERED THAT:

1. Nucor Steel-South Carolina's Motion to Compel PEC to Respond to Nucor Discovery Request No. NUC 1-30 is hereby held in abeyance.
2. Charles L.A. Terreni is hereby appointed as hearing officer in the pending proceeding for disposition of procedural and evidentiary matters regarding the annual review of base rates for fuel costs of Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc.

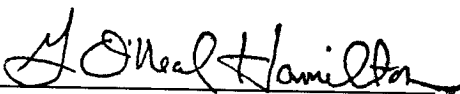
3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Randy Mitchell, Chairman

ATTEST:



G. O'Neal Hamilton, Vice Chairman

(SEAL)